

AVAILABILITY OF MODIFIED TEXT

NOTICE IS HERBY GIVEN that the Structural Pest Control Board has proposed modifications to the text of sections 1923 Consumer Complaint Disclosure and 1996.3 Requirements for Reporting Property Addresses in Title 16 Cal. Code Reg., which were the subject of a regulatory hearing on July 18, 2003. A copy of the modified text is enclosed. Any person who wishes to comment on the proposed modifications may do so by submitting written comments on or before August 27, 2003 to the following:

Delores Coleman
Structural Pest Control Board
1418 Howe Avenue Suite 18
Sacramento, CA 95825

Dated August 12, 2003

Kelli Okuma
Registrar

The Board has illustrated changes to the original text in the following manner: regulation language originally proposed are shown in ~~strikeout~~; additions to the language originally proposed are double-underlined.

MODIFIED TEXT

§1923. Consumer Complaint Disclosure.

(a) The Board shall establish and maintain a complaint history report to provide members of the public with complaint information that has been filed with the Board against licensees and registrants of the Board.

(b) The consumer complaint history report shall contain information about consumer complaints and, if applicable, shall include:

(1) License / company registration status and history;

(2) Total number of complaints meeting the conditions of disclosure listed in subsection (d)(1);

(3) Date and nature of the complaints;

(4) A description of how the business responded to the complaints;

(5) Current status of the complaints, including information regarding any referral, legal action, administrative disciplinary action, or criminal prosecution;

(6) Total number of disciplinary, enforcement and public corrective actions taken by the Board;

(7) Brief summary of disciplinary, enforcement and public corrective actions taken by the Board;

(8) Information which is statutorily mandated to be disclosed;

(9) Any additional public information available that may be useful to consumers when making consumer decisions;

(10) A description of the type of public information not included in the report, i.e., civil judgments, criminal convictions, unsubstantiated complaints; and

(11) Disclaimers indicating the report does not constitute endorsement or non-endorsement of a business, and that the report may not contain all available information.

(c)(1) The consumer complaint history report shall not include any personal information about the complainant or the licensee / registered company against whom the complaint was filed.

(2) Disclosure of pending complaints and cases against licensees / registered companies under investigation or in the process of legal action shall contain a disclaimer stating that the complaint(s) against the licensee / registered company is/are alleged and no final legal determination has yet been made. The report may also include further disclaimers, or cautionary statements, regarding such pending cases. Citations that have been corrected or resolved shall be reported as such.

(d)(1) The Board shall disclose consumer complaint information in a consumer complaint history report when the registrar or his or her designee, has determined that all of the following have occurred:

(A) A substantiated consumer transaction has occurred;

(B) The licensee / registered company has been provided an opportunity to respond to the complaint;

(C) A probable violation has occurred or there is a possible risk of harm to the public: and

(D) The complaint will be referred for legal action.

(2) A substantiated consumer transaction is defined as a bona fide financial transaction between an individual customer and a business to procure and sell goods or services.

(3) A complaint that is determined to meet the criteria listed in subsection (d)(1) shall be incorporated into the consumer complaint history report no later than ten (10) working days after the conditions of disclosure have been met.

(e) Information about a complaint shall not be disclosed in the consumer complaint history report if it is determined by the ~~director~~ Registrar or his or her designee that any of the following apply:

(1) The complaint is without merit;

(2) The complaint involves a non-consumer matter (e.g., labor grievances, labor relations, tax matter, etc.);

(3) Disclosure is prohibited by statute or regulation;

(4) Disclosure might compromise an investigation or prosecution; or

(5) Disclosure might endanger or injure the complainant.

(f) Consumer complaint history reports, when feasible and to the extent required or permitted by law, shall be made available on the Internet, in writing, and by telephone.

Any person may request a consumer complaint history report by telephone, in person, or in writing (including fax, email, and Internet). Such requests for information shall be responded to within ten (10) working days.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Section 8620, Business and Professions Code.

Modified Text

§ 1996.3 Requirements for Reporting Property Addresses.

(a) The address of each property inspected and/or upon which work was completed shall be reported on a form prescribed by the Board and designated as the WDO Inspection and Completion Activity Report Form (See Form No. 43M-52)Rev. 5/03) at the end of this section. This form shall be prepared by each registered company and shall comply with all of the requirements pursuant to Section 8516 (b), and 8518.

(b) The form shall contain the following information for each property inspected and/or upon which work was completed.

- (1) Company Name
- (2) Company registration number.
- (3) Branch office, (when a branch office issues inspection report or notice or work completed).
- (4) Date
- (4)(5) Address of property inspected or upon which work was completed, including zip code.
- (5)(6) Specify Inspection or Completion and the date.
- (6)(7) License number of licensees performing the inspection.

(c) Failure of a registered company to report and file with the Board the address of any property inspected or upon which work was completed pursuant to Section 8616 (b), or 8518 are grounds for disciplinary action and subject to a fine of not more than two thousand five hundred dollars (\$2,500).

NOTE: Authority cited: Section 8525, Business and Professions Code, Reference Sections 8561, and 8518.